

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALEX FERRER,

Petitioner,

-v.-

9:05-CV-1010
(NAM)(GJD)

SUPERINTENDENT,

Respondent.

APPEARANCES:

OF COUNSEL:

ALEX FERRER
Petitioner, *pro se*

ELIOT SPITZER
Attorney General of the State of New York
Attorney for Respondent
120 Broadway
New York, New York 10271

LUKE MARTLAND, ESQ.
Assistant Attorney General

GUSTAVE J. DI BIANCO, MAGISTRATE JUDGE

ORDER

By Order dated November 14, 2005 ("November Order"), the Court denied a Motion to Appoint Counsel filed by Petitioner, Alex Ferrer, who commenced the instant habeas corpus proceeding. Dkt. No. 7. Presently before the Court is Petitioner's Motion for Reconsideration of the November Order. Dkt. No. 8.

A court may justifiably reconsider its previous ruling if: (1) there is an intervening change in the controlling law; (2) new evidence not previously available comes to light; or (3) it becomes necessary to remedy a clear error of law or to prevent manifest injustice. *Delaney v. Selsky*, 899 F.Supp. 923, 925 (N.D.N.Y.

1995) (McAvoy, C.J.) (citing *Doe v. New York City Dep't of Soc. Servs.*, 709 F.2d 782, 789 (2d Cir. 1983), *cert. denied*, 464 U.S. 864 (1983)).

In his Motion for Reconsideration, Petitioner appears to set forth essentially the same purported bases as those contained in his original Motion to Appoint Counsel, namely that he is incarcerated in solitary confinement and is not an attorney. The Court finds that Petitioner has not established any of the three factors relative to his request for reconsideration. Accordingly, his motion must be denied.

WHEREFORE, it is hereby

ORDERED, that Petitioner's Motion for Reconsideration (Dkt. No. 8) is **DENIED**, and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties.

Dated: December 13, 2005



Hon. Gustave J. DiBianco
U.S. Magistrate Judge